



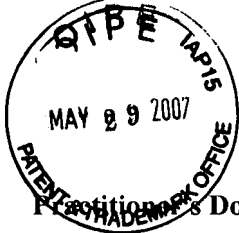
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| <b>TRANSMITTAL FORM</b><br>(to be used for all correspondence after initial filing) |  | Application Number     | 10/509,533✓      |
|   |  | Filing Date            | May 26, 2005     |
|   |  | First Named Inventor   | Waxman, David J. |
|   |  | Group Art Unit         | 1633             |
|   |  | Examiner Name          | Nguyen, Quang    |
| Total Number of Pages in This Submission  |  | Attorney Docket Number | 701586-052522-US |

| ENCLOSURES (check all that apply)  |   |   |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Declaration and Power of Attorney<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Application Data Sheet<br><input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures<br><input checked="" type="checkbox"/> A self-addressed prepaid postcard for acknowledging receipt<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Certificate of Mailing: PTO/SB/08; COPY – Supplementary Partial European Search Report; and Copies of References C2 – C5. |
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| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |
|--|---|
| Firm or Individual name                    | Nixon Peabody LLP   |
| Signature                                  |   |
| Name                                       | Ronald I. Eisenstein (Reg. No. 30,628)/Leena H. Karttunen (Reg. No. 60,335) |

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| <u>May 25, 2007</u><br>Date   | <u>Tina-Michelle Pittsley</u><br>Signature<br>Tina-Michelle Pittsley<br>Typed or printed name |



Patent Application Docket No. 701586-052522-US

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Waxman, et al.  
Application No.: 10/509,533                      Group: 1633  
Filed: May 26, 2005                      Examiner: NGUYEN, Quang  
For: METHOD OF USING ANTI-APOPTOTIC FACTORS IN GENE EXPRESSION

**MAIL STOP AMENDMENT**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313**

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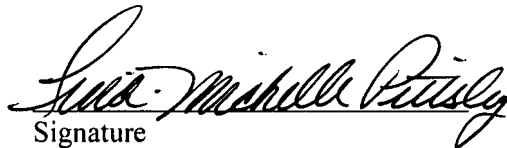
1. Certificate of Mailing (1 pg.);
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3. Supplemental Information Disclosure Statement (2 pp.);
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Tina-Michelle Pittsley  
(type or print name of person certifying)



Practitioner's Docket No. 701586-052522-US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Waxman, et al..  
Application No.: 10/509,533 Group: 1633  
Filed: May 26, 2006 Examiner: Nguyen, Quang  
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| I hereby certify that this correspondence, on the date shown below, is being deposited with the United States Postal Service with sufficient postage in an envelope addressed to Commissioner of Patents, Box 1450, Alexandria, VA 22313-1450 . |   |
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P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the provisions of 37 C.F.R. §§1.56, 1.97, and 1.98, Applicants herewith submit the publications and/or patents shown on the attached form PTO/SB/08, for consideration by the Examiner in connection with the examination of the above-identified patent application.

REMARKS

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed:

- X   (1) within three (3) months of the Filing Date or **before the mailing date of the First Office Action** on the merits; or
- (2) within three months of the mailing date of the International Search Report – copy enclosed herewith; or
- (3) after the period defined in (1) but before the mailing date of a **Final Rejection** or **Notice of Allowance**, and the requisite Certification or fee under Rule 1.17(p), namely **\$180.00**, is included herein; or
- (4) after the mailing date of a **Final Rejection** or **Notice of Allowance** but before the payment of the **Issue Fee**, and the requisite Certification, petition, and petition fee are included herein.

X A copy of the Supplementary European Search Report is enclosed herewith.  
It is respectfully requested that each of the documents shown on the attached form PTO/SB/08 be made of record in this application.

Copies of these documents:  
X are enclosed herewith; and

X Pursuant to 37 C.F.R. §1.98, copies of the U.S. patents and U.S. patent application publications (i.e., Reference Cite No.) listed on the attached PTO/SB/08 form is no longer required and therefore are not enclosed. These documents can be found in the U.S. PTO issued patents database.

Early examination and allowance of the present application are respectfully solicited.

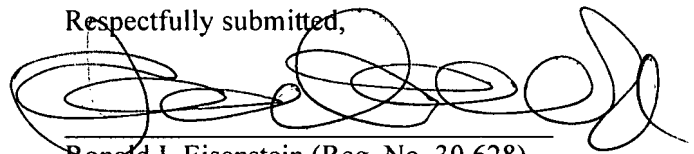
#### **FEE AUTHORIZATION**

The Commissioner is authorized to charge fee deficiencies or credit overpayments associated with this submission to the NIXON PEABODY LLP Deposit Account No. 50-0850.

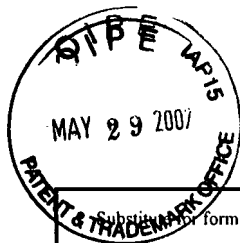
Date:

May 25, 2007

Respectfully submitted,



Ronald I. Eisenstein (Reg. No. 30,628)  
Leena H. Karttunen (Reg. No. 60,335)  
NIXON PEABODY LLP  
100 Summer Street  
Boston, MA 02110  
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Substitute Form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 2

**Complete if Known**

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|------------------------|------------------|
| Application Number     | 10/509,533       |
| Filing Date            | May 26, 2005     |
| First Named Inventor   | Waxman, David J. |
| Art Unit               | 1633             |
| Examiner Name          | Nguyen, Quang    |
| Attorney Docket Number | 701586-052522-US |

**U.S. PATENT DOCUMENTS**

| Examiner Initials <sup>*</sup> | Cite No. <sup>1</sup> | U.S. Patent Document                       | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where Relevant<br>Passages or Relevant Figures Appear |
|--------------------------------|-----------------------|--|--------------------------------|--|--|
|                                |                       | Number - Kind Code <sup>2</sup> (if known) |                                |  |  |
|                                | A4                    | US-6,207,648                               | March 27, 2001                 | Waxman, et al.                                     |  |
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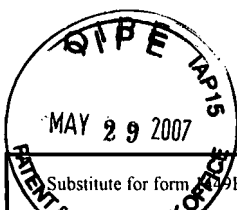
**FOREIGN PATENT DOCUMENTS**

| Examiner Initials <sup>*</sup> | Cite No. <sup>1</sup> | Foreign Patent Document   | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear | T <sup>6</sup> |
|--------------------------------|-----------------------|---|--------------------------------|--|---|----------------|
|                                |                       | Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>2</sup> (if known) |                                |  |   |                |
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Examiner  
SignatureDate  
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at 222.uspto.gov or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.



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|--|---|----|---|--------------------------|------------------|
| Substitute for form 299B/PTO   |   |    |   | <b>Complete if Known</b> |                  |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><i>(use as many sheets as necessary)</i> |   |    |   | Application Number       | 10/509,533       |
|  |   |    |   | Filing Date              | May 26, 2005     |
|  |   |    |   | First Named Inventor     | Waxman, et al.   |
|  |   |    |   | Group Art Unit           | 1633             |
|  |   |    |   | Examiner Name            | Nguyen, Quang    |
| Sheet  | 1 | of | 1 | Attorney Docket Number   | 701586-052522-US |

| OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS |                       |   |                |  |
|---|-----------------------|---|----------------|--|
| Examiner Initials*                                | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |  |
|   | C2                    | LUO, et al., "Enhancement of Fas Ligand-Induced Inhibition of Neointimal Formation in Rabbit Femoral and Iliac Arteries by Coexpression of p35," <i>Human Gene Therapy</i> 12:2191-2202 (2001).   |                |  |
|   | C3                    | SCHWARTZ, et al., "Enhanced Bystander Cytotoxicity of P450 Gene-directed Enzyme Prodrug Therapy by Expression of the Antiapoptotic Factor p35 <sup>1</sup> ," <i>Cancer Research</i> 62, 6928-6937 (2002).  |                |  |
|   | C4                    | WAXMAN, et al., "Harnessing Apoptosis for Improved Anticancer Gene Therapy," <i>Cancer Research</i> 63, 8563-8572 (2003).   |                |  |
|   | C5                    | SCHWARTZ, et al., "Cyclophosphamide Induces Caspase 9-Dependent Apoptosis in 9L Tumor Cells," <i>Mol Pharmacol</i> 60:1268-1279 (2001).   |                |  |
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.